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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/324,249	06/02/1999	ANDREW THOMAS KNOWLES	1999-00	1279
23537	7590	07/28/2005		
ANDREW T KNOWLES 3100 GRANVILLE DRIVE RALEIGH, NC 27609			EXAMINER MOE, AUNG SOE	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/324,249

Applicant(s)

KNOWLES, ANDREW THOMAS

Examiner

Aung S. Moe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the amendment filed on 5/27/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34,36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36 is/are allowed.
- 6) ☒ Claim(s) 34 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 34 and 37 is withdrawn in view of the newly discovered reference(s) to U.S. Pat 5,852,722 and 5,760,917. Rejections based on the newly cited reference(s) follow:

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 34 is rejected under 35 U.S.C. 102(e) as being anticipated by Hamilton (U.S. 5,852,722).

Regarding claim 34, Hamilton '722 discloses a system for distributing data comprising: at least one device (i.e., Figs. 1 and 2, the element 102) designed to operate according to configuration data defined by a user (i.e., noted col. 2, lines 20-68 that "configuration data" such as "user specific configuration information" is defined by a user when the user purchased or ordered the computer device 102);

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a user interface (i.e., noted from Fig. 2 that the user interface is part of the server 104 and the device 102, thus, it is cleared that the Sale server 107 must also include “a user interface” for entering “a user specific configuration information”. In view of this, “a user interface” is inherent feature of the Sale Server 107) coupled to at least one server system (104) via a network (105) wherein said user interface is physically separable from said at least one device (i.e., noted that the user interface provided for each of the device 102, 104 and 107 are separable from one another) and configured to obtain said configuration data from said user (i.e., as discussed in col. 2, lines 20-68, that the vendor 107 can obtain the user’s customize configuration data during the sale of the computer 102) and provide said configuration data to said at least one server system (noted that the user’s customize configuration data, such as “user specific configuration information 414”, can be provided to the server 104 from the vendor 107; see col. 4, lines 30+ and col. 5, lines 1-15);

said at least one server system (104) coupled to said at least one device (102) via said network (105), wherein said at least one server system (104) is configured to relay said configuration data (i.e., “ user specific configuration information”) to said at least one device (102) when said at least one device (102) issues a request for said configuration data (i.e., noted that the computer device 102 issues a request for the configuration data from the server 104 to customize the configuration of the computer 102 to his or her particular needs; see Fig. 3; col. 5, lines 35+).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (U.S. 2003/0024808 A1) in view of Sheridan (U.S. 5,760,917).

Regarding claim 37, Parulski '808 discloses a method for archiving and distributing digital images using a digital apparatus (i.e., noted the digital still camera 12 as shown in Fig. 1) with wireless packet data network access (i.e., noted the use of wireless modem with a wireless network as discussed in col. 2, paragraphs 0020+) and image capture capabilities, comprising:

capturing digital images with the digital apparatus (i.e., noted that the digital camera 12 is capable of capturing digital images; see paragraphs 0017+);

transmitting a message (i.e., e-mail message) including at least one digital image (i.e., see paragraphs 0017+) and at least one code to a predefined remote server (i.e., as shown in "APPENDIS I", the message send from the digital camera 12 contains an image data and a specific code, such as the utilization file data", to a predefined service provider 14);

parsing the message at the server and processing each image according to each code (i.e., as shown in Figs. 2-4, the service provide 14 is capable of parsing the e-mail message order to process the image data according to the code represented by the utilization file, so that a list of images that should be sent to the particular address by the service provider; see paragraphs 0024 and 0027) by at least selecting at least one set of recipients (i.e., noted the set of recipients as

shown in Fig. 2, such as “Grandma”, “John”, “Boss” and “Client”) corresponding to said code (i.e., the Utilization filed data), to whom said at least one image is to be sent, each set including at least one recipient (i.e., see Fig. 2 and paragraphs 0023-0024 and 0027); and sending a message (i.e., noted that ISP is capable of e-mailing to the other selected users/recipients; see paragraphs 0027) to each selected set of recipients.

Furthermore, it is noted that although Parulski ‘808 discloses that the service provide (i.e. ISP) is capable of e-mailing of images to the other selected set of users/recipients by using the data and images in the utilization file (i.e., see paragraphs 0024) received from the digital camera (12), Parulski ‘808 does not explicitly show the step of sending a message with instructions for accessing the image data as recited in present claimed invention.

However, the above-mentioned claimed limitations are well known in the art as evidenced by Sheridan ‘917. In particular, Sheridan ‘917 teaches that it is conventionally well known to send a message (i.e., e-mail message send by the server station 201 to the third party user; see col. 5, lines 15+) to the selected set of recipients (i.e., noted the selected set of recipients as shown in Fig. 2) with instruction for accessing the image data from the server (i.e., as discussed in col. 5, lines 20+, the message send to the third party form the server 201 contains “an electronic address”, e.g., WWW site on the internet, an identification of the user, notification of granted access right set and a description which a user provided, thus, it is cleared that such information contain within e-mail transmitted from the server 201 serves as an instruction for accessing the image data from the server hub 201. In addition, Sheridan ‘917 also stated in col. 11, lines 45+ that the server 201 is capable of sending “instructions” to the remote locations to

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fulfilled the user's request) so that the third party need not waste time to access the digital images from the server station 201 (i.e., see col. 5, lines 65+).

In view of the above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Parulski '808 as taught by Sheridan '917 by sending a message with instructions to the so that the third party need not waste time to access the digital images from the server station 201 (i.e., see col. 5, lines 65+ of Sheridan '917).

Allowable Subject Matter

6. Claim 36 is allowed.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bloomfield '345 and Chui '702 show a method for archiving and distributing digital images by the server, and sending a message to the recipients with instructions for accessing the digital mages for the server (i.e., see Fig. 5 of Bloomfield '345 and Figs. 9 and 10A of Chui '702).

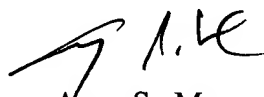
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung S. Moe whose telephone number is 571-272-7314. The examiner can normally be reached on Flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aung S. Moe
Primary Examiner
Art Unit 2685

A. Moe
July 21, 2005